

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Civil Action No.:

Dasia Lucas, Chukeya Williams,  
Tamika Thomas and David Riley  
Personal Representative for the Estate of  
Shemyia Riley, and Laquetta Simpson,  
Personal Representative for the Estate of  
Zeleria Simpson,

Plaintiffs,

VS.

Master Trooper Leon Porter and South  
Carolina Department of Public Safety,

Defendants.

**COMPLAINT**  
(Jury Trial Demanded)

## Introduction

1. This is an action for money damages under 42 U.S.C. Sections 1983 and 1988, and the Fourteenth Amendment to the United States Constitution, against Master Trooper Leon Porter, a state trooper, and the South Carolina Department of Public Safety. Defendant Porter is sued as an individual. The South Carolina Highway Patrol issued as a government entity. This United States District Court has jurisdiction under 28 U.S.C. Sections 1331 and 1343.

2. The individual defendant, acting under color of state law as a state trooper, violated the rights of Plaintiffs with an unreasonable seizure of their persons, prohibited under the Fourteenth Amendment to the United States Constitution, and this defendant acted in reckless disregard and deliberate indifference to Plaintiffs and their decedents. These violations and torts

were committed as a result of the policies and customs of the South Carolina Highway Patrol, as well as the result of negligence by both defendants.

### **Parties**

3. Plaintiff Dasia Lucas is a citizen and resident of Orangeburg County, South Carolina.

4. Plaintiff Chukeya Williams is a citizen and resident of Horry County, South Carolina.

5. Decedent Shemyia Riley was a citizen and resident of Orangeburg County, South Carolina. Tamika Thomas and David Riley are the duly appointed personal representatives of her estate.

6. Decedent Zeleria Simpson was a citizen and resident of Sumter County, South Carolina. Laquetta Simpson is the duly appointed personal representative of her estate.

7. Defendant Master Trooper Leon Porter is a citizen and resident of Orangeburg County++, South Carolina.

8. The South Carolina Highway Patrol is a political subdivision of the state of South Carolina.

### **Facts**

9. On or about February 25, 2022, at approximately 01:04 a.m., Porter was at the traffic light on US 601, facing south, when he observed a Hyundai Sonata traveling on US 178. Fuquan Hills was the driver of the Hyundai Sonata. Plaintiff Lucas, Plaintiff Chukeya, and Decedent Shemyia were passengers in his car.

10. Upon information and belief, Hills was driving above the speed limit. Porter activated his blue lights to pursue Hills.

11. Hills u-turned to go in the opposite direction on US 178 (east). Porter u-turned and pursued Hills.

12. Porter's conduct mimicked that of Hills. During the pursuit, Porter relayed no communications to indicate any suspicion of criminal activity outside of the speeding violation.

13. Because of Porter's chase, Hills disregarded at least four (4) red traffic lights and made at least two u-turns, jumped curbs, achieved speeds in excess of one hundred twenty-five (125 mph) miles per hour, and ultimately disregarding a red light at the intersection of US 178 with US 301, causing a collision with another vehicle, a Mercury Sedan, being driven by Decedent Simpson.

14. As a result of the collision, Plaintiff Lucas and Plaintiff Chukeya suffered great bodily injury. Decedents Shemyia and Simpson ultimately passed away from injuries caused by the wreck.

15. Porter knew or should have known passengers were traveling with Hills.

16. The chase covered approximately five (5) miles, lasting approximately nine (9) minutes.

17. Throughout the chase, Porter never contacted an Emergency Response Supervisor or any other officer for back-up or assistance.

18. Porter's pursuit was found to be justified but not within policy by Defendant.

19. By initiating and continuing this pursuit, Porter endangered not only the plaintiffs and decedents, but also others he sped past, all because he suspected Hills of speeding.

20. As a direct and proximate result of the acts of Defendants, Plaintiffs suffered the following injuries and damages:

- a. violation of their constitutional rights under the Fourteenth amendment to the United States Constitution to be free from deprivation of life and liberty, without due process of law;
  - b. loss of equal protection of the laws available to them as citizens of the United States; and
  - c. physical pain and suffering, and emotional trauma and suffering, requiring significant medical expense and resulting in permanent injury and untimely death;
21. The actions of the defendants were grossly negligent, proximately causing physical and mental injuries and damages to Mrs. Redding.

**COUNT I: 42 U.S.C. Section 1983 against Individual Defendant**

22. The plaintiffs' claim damages for the foregoing injuries and damages under 42 U.S.C. Section 1983 against the defendant Porter for violation of their constitutional rights under color of state law.

**COUNT II: Assault and Battery**

23. The defendant Porter assaulted and battered Plaintiffs and their Decedents.
24. As a proximate result of the assault, Plaintiffs and Decedents suffered the damages described above.

**COUNT III: 42 U.S.C. Section 1983 – South Carolina Department of Public Safety**

25. On or about February 25, 2022, SCDPS developed and maintained customs, policies and practices which exhibited deliberate indifference to the constitutional rights of the citizens of Orangeburg County and the State of South Carolina, which caused the violation of the constitutional rights of Plaintiffs and their decedents.

26. It was the custom, policy or practice of the defendant department to inadequately supervise and train its officers, including Defendant Porter, failing to adequately discourage constitutional violations on the part of its officers constituting the excessive use of force to effectuate traffic pursuits.

27. As a result of the foregoing customs, policies or practices, troopers employed by SCDPS, including Defendant Porter, believed that his actions would not be properly monitored by supervisory officers, and that misconduct would not only not be investigated or sanctioned but would be tolerated.

28. The foregoing customs, policies, and/or practices of SCDPS demonstrated a deliberate indifference on the part of the defendant department to the constitutional rights of the citizens of Orangeburg County and the State of South Carolina, proximately causing the violations of the plaintiffs' and decedents' rights, resulting in the damages described above.

WHEREFORE, Plaintiffs request the following relief:

- a. Trial by jury on their claims;
- b. An award of compensatory damages against the defendants, including punitive damages, as the trier may assess;
- c. An award of reasonable attorneys' fees and costs allowed by statute;
- d. Such other and further relief as this court deems just.

*[Signature page to follow]*

February 9, 2024

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